

## United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Ronald A. Guzman	Sitting Judge if Other than Assigned Judge	Ian H. Levin
CASE NUMBER	02 C 5996	DATE	10/2/2002
CASE TITLE	Petersen vs. United States of America		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

**MOTION:**

**DOCKET ENTRY:**

(1) ☐ Filed motion of [ use listing in "Motion" box above.]

(2) ☐ Brief in support of motion due \_\_\_\_\_.

(3) ☐ Answer brief to motion due \_\_\_\_\_. Reply to answer brief due \_\_\_\_\_.

(4) ☐ Ruling/Hearing on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(5) ☐ Status hearing[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(6) ☐ Pretrial conference[held/continued to] [set for/re-set for] on \_\_\_\_\_ set for \_\_\_\_\_ at \_\_\_\_\_.

(7) ☐ Trial[set for/re-set for] on \_\_\_\_\_ at \_\_\_\_\_.

(8) ☐ [Bench/Jury trial] [Hearing] held/continued to \_\_\_\_\_ at \_\_\_\_\_.

(9) ☐ This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to]  
☐ FRCP4(m) ☐ Local Rule 41.1 ☐ FRCP41(a)(1) ☐ FRCP41(a)(2).

(10) ☒ [Other docket entry] **Enter report and recommendation recommending that the motion by plaintiff for preliminary injunction relief (and mandatory injunctive relief) against the Illinois Attorney Registration and Disciplinary Commission and the Illinois Supreme Court [5-1] be denied, for the reason stated in the recommended order attached. Motion to strike the ARDC defendant's objection to plaintiff's motion for injunctive relief is denied. The motion hearing date of 10/8/02, noticed by the plaintiff is hereby vacated.**

(11) ☒ [For further detail see order attached to the original minute order.]

<input type="checkbox"/> No notices required, advised in open court. <input type="checkbox"/> No notices required. <input type="checkbox"/> Notices mailed by judge's staff. <input type="checkbox"/> Notified counsel by telephone. <input checked="" type="checkbox"/> Docketing to mail notices. <input type="checkbox"/> Mail AO 450 form. <input checked="" type="checkbox"/> Copy to judge/magistrate judge.	<div style="border: 1px solid black; padding: 5px; text-align: center;">             SM           </div> <div style="border: 1px solid black; padding: 5px; text-align: center;">             courtroom deputy's initials           </div>	<div style="border: 1px solid black; padding: 5px; text-align: center;">             02 OCT 03 2-10020           </div> <div style="border: 1px solid black; padding: 5px; text-align: center;">             Date/time received in central Clerk's Office           </div>	<div style="border: 1px solid black; padding: 5px; text-align: center;">             number of notices           </div> <div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>OCT 03 2002</b>              date docketed           </div> <div style="border: 1px solid black; padding: 5px; text-align: center;">               docketing deputy initials           </div> <div style="border: 1px solid black; padding: 5px; text-align: center;">             date mailed notice           </div> <div style="border: 1px solid black; padding: 5px; text-align: center;">             mailing deputy initials           </div>	<div style="border: 1px solid black; padding: 5px; text-align: center;"> <b>Document Number</b> </div> <div style="border: 1px solid black; padding: 5px; text-align: center; font-size: 2em;">             11           </div>
--	--	--	--	---

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

DOCKETED

OCT - 3 2002

PAUL PETERSON

Plaintiff,

v.

UNITED STATES OF AMERICA, DEPT. OF  
JUSTICE, FEDERAL BUREAU OF INVESTI-  
GATION, DRUG ENFORCEMENT AGENCY,  
ATTORNEY REGISTRATION AND DISCIPLI-  
NARY COMMISSION, ILLINOIS SUPREME  
COURT, MARY ROBINSON, Administrator of  
the ARDC, TRACY KEPLER and ROSALYN  
KAPLAN, employees of the ARDC,

Defendants.

Case No. 02 C 5996

District Judge Ronald A. Guzman

Magistrate Judge Ian H. Levin

**RECOMMENDED ORDER**

The reasons for the recommended denial of the subject motion<sup>1</sup> are as follows:

- 1) For the bases set forth in the objections of Defendant Attorney Registration and Disciplinary Commission ("ARDC")<sup>2</sup>, which, essentially, are that:

- A) The federal courts should and must "Abstain" from requested actions in this proceeding that would necessarily interfere with ongoing state disciplinary proceedings. e.g., *Middlesex Ethics Comm. v. Garden State Bar Association*,

---

<sup>1</sup> The Court finds that no evidentiary hearing is necessary on the motion. See e.g., *Ty, Inc. v. The Jones Group*, 98 F.Supp. 988, 1002 (N.D. Ill. 2001); *Promatek Industries, Ltd. v. Equitrac Corp.* 300 F.3d 808, 814 (7<sup>th</sup> Cir. 8/13/02).

<sup>2</sup> It perhaps bears noting that the Defendant(s) has indicated that a motion(s) to dismiss in the cause will be filed on or prior to October 21, 2002.

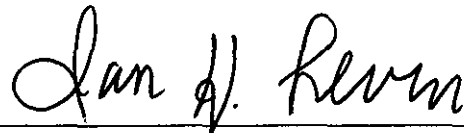
457 U.S. 423 (1982);

- B) The *Rooker - Feldman* applies to Plaintiff's collateral attacks herein on the orders of the Illinois Supreme Court, see, e.g., *Manley v. City of Chicago*, 236 F.2d 392, 395-398 (7<sup>th</sup> Cir. 2001);
  - C) Plaintiff is not entitled to injunctive relief to the extent he is seeking to obtain employment with the ARDC, see, e.g., *Long v. Chicago Transit Authority*, 979 F. Supp. 1214, 1216 (N.D. Ill 1997), citing *Tregenza v. Great Am. Communications Co.*, 12 F.3d 717, 718 (7<sup>th</sup> Cir. 1993);
  - D) Plaintiff is not entitled to any order compelling investigations by the ARDC, see, e.g. *Doyle v. Oklahoma Bar Association*, 998 F.2d 1559 (10<sup>th</sup> Cir. 1993); *Smith v. Shook*, 237 F.3d 1322 (11<sup>th</sup> Cir. 2001).
- 2) Upon review, the court perceives no real likelihood of success on the merits as to Plaintiff's motion for preliminary injunction;
  - 3) Plaintiff cannot establish irreparable harm as to certain of his preliminary injunction issues. See, e.g., *Shegog v. Bd. of Educ. of the City of Chicago*, 194 F.3d 836, 839 (7<sup>th</sup> Cir. 1999), citing *Sampson v. Murray*, 415 U.S. 51, 89-92 (1974); *EEOC v. Janesville*, 630 F.2d 1254, 1259 (7<sup>th</sup> Cir. 1980); citing *Sampson*, 415 U.S. at 61.
  - 4) Mandatory preliminary injunctive relief, as sought here, is rarely issued and is never issued "except upon the clearest equitable grounds." *Graham v. Medical Mutual of Ohio*, 130 F.2d 293, 295 (7<sup>th</sup> Cir. 1995). The court determines, respectfully, that no such clear showing for equitable relief has been made by the Plaintiff herein.

Accordingly, it is recommended that Plaintiff's motion for preliminary injunctive relief (and mandatory injunctive relief) be denied.

DATED: October 2, 2002

ENTER:

A handwritten signature in cursive script, reading "Ian H. Levin". The signature is written in dark ink and is positioned above a horizontal line.

IAN H. LEVIN

UNITED STATES MAGISTRATE JUDGE

Any objections to this Report and Recommendation must be filed with the Clerk of the Court within ten (10) days of receipt of this notice. Failure to file objections within the specified time waives the right to appeal the Magistrate Judge's Report and Recommendation. *See* FED. R. CIV. P. 72 (B); 28 U.S.C. §636(B)(1)(B); *LORENTZEN V. ANDERSON PEST CONTROL*, 64 F.3D 327, 329 (7<sup>TH</sup> CIR. 1995); *THE PROVIDENT BANK V. MANOR STEEL CORP.*, 882 F.2D 258 (7<sup>TH</sup> CIR. 1989).